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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/567,393	02/07/2006	Hendrikus G. Van Horck	US030269	3906
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EXAMINER				
SALCT, JASON P				
ART UNIT		PAPER NUMBER		
2421				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/567,393

Applicant(s)

VAN HORCK, HENDRIKUS G.

Examiner

Jason P. Salce

Art Unit

2421

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 5-14 is/are rejected.
- 7) ☒ Claim(s) 4 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 February 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/CDC)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____
- Paper No(s)/Mail Date ____

DETAILED ACTION

Information Disclosure Statement

The information disclosure statement (IDS) submitted on 2/7/2006 and 1/23/2007 are in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Claim Objections

Claim 9 is objected to because of the following informalities: The limitation "at at" should read "by at". Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3 and 5-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fleming (U.S. Patent No. 6,449,766) and deCarmo (U.S. Patent No. 6,567,979).

Referring to claim 1, Fleming discloses a method for obtaining rating data (**see step 510 in Figure 5 and Column 8, Lines 9-10**).

Fleming also discloses receiving a digital data transmission carrying at least one program **(see Column 4, Line 66 through Column 5, Line 10 and Column 7, Lines 39-41 for receiving television program that contain ratings data)**.

Fleming also discloses identifying a home jurisdiction of a receiver that receives the digital data transmission **(see Column 11, Lines 44-45 for identifying a rating stored in the user's television receiver's memory/data structure 300)**.

Fleming also discloses determining whether rating data is provided in the digital data transmission for the at least one program for the home jurisdiction **(see Column 11, Lines 24-32 for determining ratings data in the digital data for the at least one program at the user's television receiver, thereby receiving ratings data for a home jurisdiction)**.

Fleming also discloses using the rating data for the at least one program for the home jurisdiction, if available, to determine whether to block display of the at least one program **(see Column 11, Lines 45-59 and Column 8, Lines 5-8 for using the ratings data for the home jurisdiction to block programs)**.

Although Fleming discloses storing ratings data for home and foreign jurisdictions **(see Figures 3-5)**, Fleming fails to teach the step of using the foreign ratings data to block display of the at least one program if ratings data for the home jurisdiction is not available.

deCarmo discloses that if ratings data for the at least one program for the home jurisdiction is not available, using rating data that is provided in the digital data transmission for the at least one program for a foreign jurisdiction to determine whether

to block display of the at least one program (see Column 8, Lines 8-14 for allowing a user to travel to a different country and use different ratings based on the user's current location, therefore if a user normally watches a video program in the United States and uses ratings data corresponding to the United States, if the user of deCarmo tried to watch the same video program in Peoria (see Column 2, Lines 49-52) the video program would be blocked, while in the United States the viewer would have permission to view the video program because of the difference in the two ratings systems).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify the ratings collection and program blocking system, as taught by Fleming, using the foreign ratings data to block program, as taught by deCarmo, for the purpose of providing a system to define downstream controls over the content viewed because a television/video program viewed in New York City will not always play in Peoria and may actually be illegal (see Column 2, Lines 48-63 of deCarmo).

Referring to claim 2, Fleming discloses that using the rating data for the at least one program for the home jurisdiction comprises comparing the rating data for the at least one program for the home jurisdiction to a user-defined system rating (see the rejection of claim 1 for comparing ratings data received in the program signal to the ratings data stored in database 300 and further note Column 11, Lines 16-18 for the ratings data including additional data entered by the user).

Referring to claim 3, see the rejection of claim 2 and further note that deCarmo also discloses that the foreign ratings data are compared to the user's selected parental setting (**see Column 7, Lines 60-63**).

Referring to claim 5, Fleming and deCarmo teach that home and foreign jurisdictions are different countries (**see Column 9, Lines 22-30 of Fleming and Column 8, Lines 2-14 of deCarmo**).

Referring to claim 6, Fleming discloses that identifying the home jurisdiction comprises receiving a user setting (**see Column 11, Lines 16-18 for further defining the received ratings data based on a user's input/setting**).

Referring to claim 7, Fleming discloses that the digital data transmission is provided according to a DVB standard (**see Column 11, Lines 34-35**).

Referring to claims 8-10, Fleming discloses that the digital data transmission contains audio and video data, is received by a set-top box and is broadcasted (**see Column 6, Line 64 through Column 7, Line 10**).

Referring to claim 11, Fleming discloses that the rating data for the at least one program for the home jurisdiction and the foreign jurisdiction comprises an age-based rating (**see Column 7, Lines 39-57**).

Referring to claims 12-14, see the rejection of claim 1.

Allowable Subject Matter

Claim 4 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason P. Salce whose telephone number is (571) 272-7301. The examiner can normally be reached on M-F 9am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jason P Salce/
Primary Examiner, Art Unit 2421

Jason P Salce
Primary Examiner
Art Unit 2421

May 10, 2009